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COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

* * * * *
COMMONWEALTH OF MASSACHUSETTS
v.
AYYUB ABDUL-ALIM
* * * * *

Docket No. HDCR2012-00043

MOTION TO SUPPRESS
BEFORE THE HONORABLE JOHN S. FERRARA

APPEARANCES:

For the Commonwealth:

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Springfield, Massachusetts
Criminal 1 - Courtroom 1
November 21, 2013

Barbara A. Reardon
Approved Court Transcriptionist

1 (Court in session at 10:24 a.m.)

2 (Defendant not present.)

3 CLERK DOLAHHER: Your Honor, if we could address on Page 3
4 out of 9 the matter of Ayyub Abdul-Alim, Docket 2012-43. It
5 appears for hearing on motion to suppress and final pretrial
6 conference. Attorneys Flannery and Robinson.

7 MR. ROBINSON: Good morning, your Honor.

8 THE COURT: Good morning, Counsel.

9 All right. Thank you. So is Mr. Abdul-Alim being brought
10 up?

11 COURT OFFICER: Yes, your Honor.

12 THE COURT: Could I see this file just for --

13 CLERK DOLAHHER: Yes, your Honor, of course.

14 THE COURT: This file for a moment, and also --

15 CLERK DOLAHHER: Yes.

16 THE COURT: -- the Bethaya (phonetic) file, just so I can
17 see the age of the cases.

18 Thanks.

19 MR. FLANNERY: Good morning, your Honor.

20 THE COURT: Good morning, Counsel.

21 We'll address this as soon as the defendant is brought out.

22 I'm advised that your client needs a little bit more time
23 before he's brought out. I'm not sure why, but --

24 I forgot to turn this on.

25 I'm advised that your client needs a little bit more time

1 before he is brought out. I'm not sure why, but I think probably
2 we'll pass this until he's ready to come out. Okay?

3 MR. ROBINSON: Yes, your Honor.

4 THE COURT: All right. Thank you.

5 (Hearing in recess at 10:28 a.m.)

6 (Hearing resumed at 10:33 a.m.)

7 (Defendant present.)

8 CLERK DOLAHHER: Flannery and Robinson.

9 For the record, your Honor, Mr. Abdul-Alim is present before
10 the Court.

11 THE COURT: All right, Counsel. So this is on for an
12 evidentiary hearing on a motion to suppress. I was advised by my
13 clerk, Mr. Dolaher, that it was projected that this case would
14 take roughly two hours with four witnesses. Is that correct?

15 MR. FLANNERY: That's correct, your Honor. There may
16 actually be five witnesses.

17 THE COURT: But you think that the two-hour time frame is
18 probably correct?

19 MR. FLANNERY: Probably, your Honor.

20 MR. ROBINSON: I think so, your Honor.

21 THE COURT: All right. Well, this is an older case. I'm
22 not sure of all of the history of it, but certainly it needs to
23 be addressed. And both parties are ready to go forward today?

24 MR. FLANNERY: Yes, your Honor. One of the Commonwealth's
25 witnesses is also testifying before Judge McDonough in a trial

1 that's beginning today, so I may need a few moments just to
2 coordinate that.

3 THE COURT: All right.

4 MR. FLANNERY: But I do expect to have all of our witnesses
5 ready to testify today.

6 THE COURT: All right. So I'm going to get through the
7 list. I have one change of plea that I'm going to be doing at
8 the conclusion of the list, and then I'll hold this and we'll
9 conduct the evidentiary hearing here with the expectation that it
10 will be completed today. All right?

11 MR. FLANNERY: Yes, your Honor.

12 THE COURT: All right. Thank you.

13 MR. ROBINSON: Thank you, your Honor.

14 CLERK DOLAHHER: Hold the matter for further call.

15 (Hearing in recess at 10:35 a.m.)

16 (Hearing resumed at 12:06 p.m.)

17 (Defendant present.)

18 CLERK DOLAHHER: Motion to suppress, final pretrial
19 conference. Attorneys Flannery and Robinson.

20 THE COURT: All right. So this is on --

21 CLERK DOLAHHER: For the record, your Honor, the defendant is
22 present before the Court.

23 THE COURT: All right. So this is on for both a hearing on
24 a motion to suppress and for final pretrial conference?

25 MR. FLANNERY: That's correct, your Honor.

1 MR. ROBINSON: Yes, your Honor.

2 THE COURT: Have the parties prepared a final pretrial
3 conference report?

4 MR. ROBINSON: We have.

5 MR. FLANNERY: Yes, your Honor.

6 THE COURT: All right. I'm going to return this file to
7 you, Mr. Dolaher.

8 CLERK DOLAHER: Thank you, your Honor.

9 THE COURT: If I could have one moment, please.

10 All right. You're estimating this trial to be a two-day
11 trial, is that correct?

12 MR. ROBINSON: Yes, your Honor.

13 MR. FLANNERY: Yes, your Honor.

14 THE COURT: And has a trial date been selected?

15 MR. ROBINSON: I believe so, your Honor.

16 MR. FLANNERY: December 12th, I believe.

17 THE COURT: Yes. I see it. I'm sorry. All right. The
18 last trial date that was selected was December 12th, is that
19 correct?

20 MR. FLANNERY: Yes, your Honor.

21 MR. ROBINSON: I believe so, your Honor.

22 THE COURT: And this motion to suppress is pending. Are
23 there any other motions pending?

24 MR. ROBINSON: Well, your Honor, in preparation for trial it
25 came to my attention that there may be some duplicitous charges,

1 and so I do anticipate filing a motion to dismiss on that. I
2 only recently became aware of that issue. As I said, as I'd be
3 on preparation, I do anticipate filing that well before trial,
4 however.

5 THE COURT: That's interesting. You say well before trial.
6 The trial's scheduled for December 12th. We're fairly close to
7 trial now. When did you anticipate filing those?

8 MR. ROBINSON: I certainly could have that filed --

9 THE COURT: Well, how about this --

10 MR. ROBINSON: I could certainly have that filed by, say,
11 December 4th, your Honor.

12 THE COURT: Sure. That's reasonable, and I'll let the
13 judge, whoever the judge this is assigned to, deal with that
14 motion. That seems to me that's the type of motion that can be
15 dealt with by the trial judge.

16 MR. ROBINSON: I would also anticipate that being a very
17 short motion to address.

18 THE COURT: All right. Very good.

19 So then, otherwise, we'll conduct a hearing today and this
20 matter will be continued to the trial date unless I take it under
21 advisement and I'm not able to decide the matter expeditiously.
22 I make no promises at this point, not having heard the issues or
23 the evidence.

24 All right. Parties are ready to go forward on the hearing?

25 MR. FLANNERY: We are, your Honor. There's one, I think,

1 witness availability issue that we probably should --

2 THE COURT: Tell me about that.

3 MR. FLANNERY: This would not be the Commonwealth's witness.
4 It's the defendant's witness.

5 THE COURT: Is this the witness who is identified as an
6 alleged informant?

7 MR. FLANNERY: Yes.

8 MR. ROBINSON: That's right, your Honor.

9 MR. FLANNERY: And she informed us that she has to -- she
10 has to leave by two o'clock because of child-care issues.

11 THE COURT: All right.

12 MR. FLANNERY: There was some discussion about calling her
13 out of order. Ordinarily, I wouldn't have any problem with that
14 whatsoever, but I think there's an issue as to the scope of her
15 testimony that we need to address with your Honor.

16 THE COURT: I'll hear you now.

17 MR. FLANNERY: This is a relatively straightforward motion
18 to suppress. It concerns a stop and a frisk of the defendant
19 outside --

20 THE COURT: During the break -- let me interrupt you just
21 for a moment. For the benefit of both counsel, during the break
22 I had a chance to look at the file and saw that there was a --
23 saw that the motion to suppress had been filed some time ago,
24 back in September, 2012. It's a motion to suppress evidence
25 obtained from the warrantless search and seizure that occurred on

1 December 9, 2011. Is that the motion we're addressing?

2 MR. ROBINSON: Yes, your Honor.

3 THE COURT: All right. And it's a fairly straightforward
4 motion. All right.

5 MR. FLANNERY: Your Honor, just by way of what I expect the
6 evidence to be in background for the discussion about the
7 witness, the motion will concern the stop and pat frisk of the
8 defendant outside of his apartment building by two Springfield
9 police officers who were being directed by a third. That officer
10 was receiving information from the informant. Her identity has
11 since been revealed. She is the defendant's spouse, was with him
12 that evening, and was relaying information based on her firsthand
13 observations of him.

14 That's essentially what this motion's about. We did not
15 call her as a witness. We may call her as a witness at trial,
16 but we didn't see, based on the issues presented by the motion,
17 the need to call her here. It's not entirely clear to me why
18 this witness is being called at all. I suppose -- and this is
19 why I want to raise this now. If she were to testify that she
20 told Officer Sheehan things that Officer Sheehan doesn't testify
21 to or testifies to differently, I suppose there might be some
22 impeachment value.

23 Based on my brief conversation with her, I don't anticipate
24 that. I know the defendant had an opportunity to meet with her
25 this morning and perhaps he has a good-faith basis for calling

1 her for that purpose. But, otherwise, I don't see how her
2 testimony would be relevant. And she's not my witness, but I
3 think, given her situation, we should at least establish that
4 she's a necessary witness before we call her first or put her in
5 a situation where she's going to have difficulty in taking care
6 of her child this afternoon.

7 THE COURT: I agree. So, as I understand, then this witness
8 would be relevant to the -- since there was reliance on an
9 informant for the stop, to the issue of basis of knowledge?

10 MR. ROBINSON: That's correct, your Honor.

11 THE COURT: Reliability?

12 MR. ROBINSON: Veracity, yes. But, your Honor, if I may
13 interject very briefly, from my understanding and from my brief
14 conversation with her just moments ago, it's my understanding
15 she's also a percipient witness to the arrest itself, and so she
16 would have relevant things to say with respect to that, as well.

17 THE COURT: The seizure of the items, which was a firearm --

18 MR. FLANNERY: Yes, your Honor.

19 THE COURT: -- and ammunition --

20 MR. FLANNERY: Yes.

21 THE COURT: -- is that something that this witness claims to
22 also have observed?

23 MR. ROBINSON: I believe so, your Honor.

24 THE COURT: All right. I'll permit you to call her. We'll
25 take her out of order. We're going to call her as the first

1 witness. All right?

2 MR. ROBINSON: Yes, your Honor.

3 THE COURT: Mr. Robinson, it's your motion. I'll hear you
4 briefly.

5 And then I'll hear from you, Mr. Flannery.

6 OPENING STATEMENT FOR THE DEFENDANT

7 MR. ROBINSON: Yes, your Honor. Essentially, what we expect
8 the evidence to show is that there was a warrantless seizure and
9 search of my client, a seizure that amounted to an arrest, in
10 violation of his Fourth Amendment rights under the United States
11 Constitution, as well as rights -- his rights under the
12 Massachusetts Declaration of Rights.

13 The police relied upon information from an informant. As
14 you heard, we're going to hear from the informant about what it
15 is that she observed and what was relayed to the police and that
16 we believe that on the basis of that, the Commonwealth will be
17 unable to meet their burden of establishing that the police had
18 probable cause at the time that they conducted the search in this
19 case. And we will, therefore, ask you to suppress as evidence
20 against Ayyub Abdul-Alim any evidence that was seized, including
21 but not limited to the firearm, the ammunition and any statements
22 that he later made, and we would ask that those be suppressed as
23 fruits of the poisonous tree with respect to this illegal seizure
24 and search.

25 THE COURT: All right. Thank you.

1 Attorney Flannery?

2 MR. FLANNERY: Your Honor, just briefly.

3 OPENING STATEMENT FOR THE COMMONWEALTH

4 I expect that Officer Sheehan will testify that he developed a
5 relationship with this -- the informant, the defendant's wife,
6 that --

7 THE COURT: I'm sorry. Say that again.

8 MR. FLANNERY: That he had developed a relationship with the
9 informant, that she had contacted him through another officer. I
10 think it was several weeks or perhaps several months beforehand.
11 That before December 9th, which is the date -- of 2011, which is
12 the date of this search and seizure, she had provided information
13 concerning drug activity on the part of the defendant. She had
14 also told him that the defendant carried a handgun.

15 Officer Sheehan ran a background check which included
16 running a criminal history, as well as an out-of-state criminal
17 history. From that he became aware that the defendant had
18 convictions that would have precluded him from having --
19 requiring a license to carry or to possess a firearm.

20 On the evening of the search, Officer Sheehan received a
21 call from this informant who told him that -- about a white Jeep
22 that she believed was involved in some drug activity, and she
23 also told him that the defendant was walking out of the apartment
24 to meet this vehicle and that he was carrying a gun and that it
25 was in his waistband or in his pants.

1 Officer Sheehan had contacted other officers to attempt to
2 ascertain the identity of the driver of the Jeep. As they were
3 doing that and as Officer Sheehan was observing all this from
4 across the street, he observed the defendant, who he recognized
5 and who fit the description that the informant had just given
6 him, come out of the building. For a number of reasons,
7 including the fact that the officers were talking to who Officer
8 Sheehan believed was someone involved in a drug deal with the
9 defendant in the Jeep, he alerted the officers to the fact that
10 the defendant was approaching where they were.

11 The officers stopped the defendant. One officer pat frisked
12 the defendant --

13 THE COURT: The defendant was on foot?

14 MR. FLANNERY: He was on foot, your Honor. Once they
15 stopped the defendant, one of the officers conducted a pat frisk,
16 but didn't find the gun. Officer Sheehan was still in
17 communication with the informant. She gave him a more specific
18 area for which -- or for the officers to search. The second
19 officer conducted a second pat frisk, found -- or felt what he
20 believed to be a firearm. It was consistent with the information
21 he had been given.

22 At that point the defendant was placed in handcuffs, put in
23 the back of the cruiser, and the firearm in question was removed
24 from his pants and his underwear, I believe. The gun was loaded,
25 which is where the ammunition charge comes from.

1 I believe there will also be some testimony about that area,
2 about some recent criminal activity and arrests that occurred in
3 that area just to sort of set the scene.

4 That's essentially what I expect the evidence will show.

5 THE COURT: All right. Very good.

6 MR. ROBINSON: Your Honor, as a preliminary matter, could I
7 have my client seated next to me at counsel table, and I would
8 also ask that his handcuffs be removed so that he can take notes
9 more readily?

10 THE COURT: Any issues with my court officers?

11 COURT OFFICER: No, your Honor. Just policy, that's it.

12 THE COURT: I'm sorry. I couldn't hear you.

13 COURT OFFICER: Just policy, your Honor, that's it. I'm
14 sure it's fine.

15 THE COURT: All right.

16 Yes, your client can be seated at the table.

17 Mr. Abdul-Alim, do you agree to behave properly?

18 THE DEFENDANT: Absolutely, sir.

19 THE COURT: All right. We'll remove the handcuffs.

20 All right.

21 MR. ROBINSON: Your Honor, at this time the defense would
22 call Siham Nafi Stewart.

23 THE COURT: All right. Is this the person we identified who
24 would be called as the first witness?

25 MR. FLANNERY: Yes, your Honor.

1 THE COURT: All right.

2 Please be reminded, Mr. Robinson, that I'm going to limit
3 you from using this hearing as a discovery tool beyond what's
4 relevant to the issues before me, which relate to the informant's
5 basis of knowledge and prior dealings with the police and
6 anything that bears on probable cause. Do you understand?

7 MR. ROBINSON: Yes, your Honor.

8 THE COURT: All right.

9 CLERK FOULKS: Attorney Robinson, when you and your client
10 are speaking, you should hold down the mute button.

11 MR. ROBINSON: Sure.

12 (The Court confers with Clerk Dolaher off the record.)

13 (Witness sworn.)

14 THE WITNESS: Yes.

15 SIHAM STEWART, Sworn

16 DIRECT EXAMINATION

17 BY MR. ROBINSON:

18 Q Good afternoon, Ms. Stewart.

19 A Yes.

20 Q My name is Attorney Thomas Robinson. We met briefly a
21 little while ago. I represent Ayyub Abdul-Alim.

22 Would you mind stating your name for the record and if you
23 could spell it, also?

24 A Siham, S-i-h-a-m, Stewart, S-t-e-w-a-r-t.

25 THE COURT: I'm sorry, ma'am. I can tell already I'm going

1 to have difficulty hearing you. I'm going to ask you to keep
2 your voice up, please.

3 THE WITNESS: Mm-hm.

4 THE COURT: And restate your name and spell your name again.

5 THE WITNESS: Okay. Siham Stewart, S-i-h-a-m, Stewart,
6 S-t-e-w-a-r-t.

7 BY MR. ROBINSON:

8 Q And are you familiar with Mr. Abdul-Alim?

9 A Yes.

10 Q Okay. And what is your relationship to him?

11 A He's my husband.

12 Q Okay. And when were you married?

13 A Two years ago.

14 Q And where were you married?

15 A In Worcester.

16 Q Okay. And was that at a mosque?

17 A Yes.

18 Q Okay. What mosque was that?

19 A It's Worcester mosque, but I forgot the name --

20 Q Okay.

21 A -- because we have only two.

22 Q Okay. I'm going to jump now to December 9, 2012 [sic]. Do
23 you recall the events of that day?

24 A Yes.

25 Q Okay. And were you living with Mr. Abdul-Alim at that time?

1 A Yes.

2 Q Okay. So you were living together as husband and wife?

3 A Yes.

4 Q Okay. At some point that day did you -- did Ayyub
5 Abdul-Alim leave the apartment?

6 A Yes.

7 Q Okay. And when he left the apartment, did you make a call
8 to anybody?

9 A Yes, I did.

10 Q And who did you make a call to?

11 A To Ron.

12 Q And when you say Ron, who is that?

13 A It is the police officer.

14 Q Okay. Would that be Officer Ronald Sheehan?

15 A Yes.

16 Q Okay. And what did you tell Officer Ronald Sheehan when you
17 called him?

18 A Ayyub, he has the gun with him.

19 Q Okay. And is --

20 THE COURT: I'm sorry. I didn't hear that.

21 THE WITNESS: That Ayyub, he has the gun in him.

22 BY MR. ROBINSON:

23 Q Okay.

24 THE COURT: That Ayyub has a --

25 THE WITNESS: Has the gun.

1 BY MR. ROBINSON:

2 Q And was that everything that you told Ron Sheehan when you
3 first called him?

4 A Yes.

5 Q Okay. And did you know that the police were going to be
6 outside of your apartment building at that time?

7 A No.

8 Q Okay. So you were just hoping that you would reach Ronald
9 Sheehan and that he would be nearby, is that correct?

10 A Yes.

11 Q Okay. And after you made that call, did you make any
12 observations about what was going on outside of the apartment
13 building?

14 A I'm sorry?

15 Q So after you made that call to --

16 A Mm-hm.

17 Q -- Ronald Sheehan, did you make any observations about what
18 was going on outside your apartment building?

19 A Yes. I was watching from the window.

20 Q Okay. And so you were -- what floor was your apartment on?

21 A Second floor.

22 Q Okay. And do you know what direction the windows faced?

23 A It's on the left side.

24 Q Okay. When you looked out the windows, what did you see?

25 A There's a white Jeep and a police car.

1 Q Okay. And is there a -- would that be in the parking lot of
2 a Getty Mart?

3 A Yes.

4 Q Okay. And so you looked right -- your apartment looked
5 right out over the Getty Mart, is that correct?

6 A Yes.

7 Q And the parking area there?

8 A Yes.

9 Q Okay. So you said you saw a white Jeep, is that correct?

10 A Yes.

11 Q Okay. And what else did you see that day?

12 A And a police car.

13 Q Okay. And where was the police car in relation to that
14 white Jeep?

15 A I'm sorry?

16 Q Whereabouts was the police car in relation to the white
17 Jeep? Was it nearby? Was it far away?

18 A It's a little bit far away, yeah, but I can see it from the
19 window.

20 Q Okay. But was the police car close to the white Jeep?

21 A Yes, little bit, yes.

22 Q Okay. And did you see Ayyub Abdul-Alim at some point while
23 you were looking out the window?

24 A Yes.

25 Q Okay. And what did you see happen?

1 A I seen him with the police.

2 Q Okay. And --

3 THE COURT: I'm sorry. You saw him what?

4 THE WITNESS: With the police.

5 THE COURT: Thank you.

6 THE WITNESS: Mm-hm.

7 BY MR. ROBINSON:

8 Q Okay. So when you saw Ayyub Abdul-Alim, was he walking down
9 the street?

10 A Not -- yes, from the building.

11 Q Okay. So you saw him walking?

12 A Yes.

13 Q And then you see a police officer approach him, is that
14 correct?

15 A Yes.

16 Q Okay. Was it one police officer or two?

17 A Two.

18 Q Okay. So two police officers approached him?

19 A Yes.

20 Q Okay. And what did they do?

21 A They're looking for -- for the gun, where he has the gun in
22 him and did not find it, and --

23 Q Okay. Well, let's slow down there.

24 A Mm-hm.

25 Q So the two police officers approach him?

1 A Mm-hm.

2 Q Did they put their hands on him, take him into custody?

3 A Yes.

4 Q Okay. Did you see them put handcuffs on him?

5 A At this time, no.

6 Q Okay. But there's two of them and they've got their hands
7 on him, is that correct?

8 A Yes.

9 Q Okay. And did you see one of them conduct what's called a
10 pat frisk, you know, pat his body down --

11 A Yes.

12 Q -- like this?

13 A Yes.

14 Q Okay. And so you saw a police officer putting his hands on
15 Ayyub's body and feeling his body to search him?

16 A Yes.

17 Q Okay. And then after that happened, what did you see
18 happen?

19 A They put him in a car and I called the police back and I
20 said, "No. He has the gun in him." So they put him back and
21 they find it in his underwear.

22 Q Okay. So you see them search Ayyub and apparently you can
23 see that they don't find anything on him, is that correct?

24 A Yes. The first time, yes.

25 Q Okay. And so after they've searched him and they haven't

1 found anything on him, you see the police then put him in the
2 back of the police cruiser, is that correct?

3 A Yes.

4 Q Okay. And then once he's in the back of the police cruiser,
5 you then call Officer Ronald Sheehan again?

6 A Yes.

7 Q Because you want to tell him where the gun is, is that
8 correct?

9 A Yes.

10 Q Okay. And what did you tell Officer Ronald Sheehan?

11 A "He has the gun in his underwear."

12 Q Okay. And did you see what happened after that?

13 A Yes.

14 Q Okay. What happened after that?

15 A They find the gun and the phone and --

16 Q Let's slow down. So he's in the back of the cruiser?

17 A Yes.

18 Q You call Officer Ronald Sheehan?

19 A Mm-hm.

20 Q And what happens after that? Do you see the police take
21 Ayyub out of the car?

22 A Yes.

23 Q Okay. And did you see them search him again?

24 A Yes.

25 Q Okay. So you saw the police search him how many times? Two

1 times or three times?

2 A Two -- no. Two times.

3 Q Okay. And, now, at the time of the second search --

4 A Mm-hm.

5 Q -- by that time Officer Ronald Sheehan, he was there? He
6 had driven to the scene, is that correct?

7 A I don't see him the first time. The second time, yes.

8 Q The second time he's there?

9 A Yes.

10 Q Okay. When was the first time that you had contact with
11 Officer Sheehan?

12 A When this old murder happen in -- in the building.

13 THE COURT: I'm sorry. When the what happened?

14 THE WITNESS: The murder. Some -- some guy died in the
15 building.

16 BY MR. ROBINSON:

17 Q Okay. And you said that there was a murder in the building
18 where you lived?

19 A Yes.

20 Q And that's the building where Ayyub Abdul-Alim also lived
21 with you?

22 A Yes.

23 Q Okay. Mr. Abdul-Alim wasn't involved in any way in that
24 murder, though, right?

25 A I'm sorry?

1 Q He wasn't involved in that in any way?

2 A No. He was a witness.

3 Q He was a witness to it?

4 A Yes.

5 Q Okay. And so at that time -- do you remember approximately

6 when that was, what month of the year that was?

7 A I don't remember.

8 Q Okay. Do you know if it was in the summer before --

9 A It's not in the summer, I think, no.

10 Q Was it in the fall before Ayyub's arrest?

11 A No. It was before.

12 Q It was before the arrest?

13 A The murder?

14 Q Yes.

15 A Yes; before Ayyub.

16 Q Okay. And so do you remember roughly how long before? Was

17 it a year before?

18 A I'm sorry?

19 Q Do you know roughly how long before Ayyub's arrest that

20 murder had occurred?

21 A No. This is happening after Ayyub went to jail. Just like

22 maybe one month or two months.

23 Q The -- okay. Let me clarify.

24 A Mm-hm.

25 Q The murder you're talking about that happened in the

1 building where you lived --

2 A Yes.

3 Q -- that happened after Ayyub was in jail?

4 A No. Before.

5 Q Before?

6 A Yes.

7 Q About a month before?

8 A Yes.

9 Q Okay. Good. And so about a month before Ayyub's arrest,
10 you first had contact with Officer Sheehan?

11 A Yes.

12 Q Okay. And did you approach Officer Sheehan or did he
13 approach you?

14 A I went to the police station.

15 Q Okay. And was this the first time that you had provided
16 information to law enforcement, to the police or to federal
17 authorities?

18 A Yes.

19 Q You have provided information to federal authorities,
20 though, haven't you?

21 A Yes.

22 MR. FLANNERY: Objection. I believe we're referring to
23 things that occurred after --

24 THE COURT: Yeah. I would need some clarification of that,
25 so the objection is sustained.

1 BY MR. ROBINSON:

2 Q You had mentioned that you have provided information to
3 federal authorities, is that correct?

4 MR. FLANNERY: Objection. It's the same question.

5 MR. ROBINSON: I have to ask some questions to establish a
6 time line, your Honor.

7 THE COURT: Perhaps you could ask the question prior to
8 December 9, 2011, had you ever provided information to law
9 enforcement.

10 MR. ROBINSON: Yes, your Honor.

11 BY MR. ROBINSON:

12 Q Did you hear the --

13 THE COURT: You can repeat the question.

14 MR. ROBINSON: Okay.

15 THE COURT: It wasn't that complex.

16 BY MR. ROBINSON:

17 Q Prior to December 9, 2011, did you ever provide any
18 information to law enforcement?

19 A No.

20 Q Did you ever work with any -- with law enforcement in any
21 capacity?

22 A Excuse me?

23 Q Did you -- prior to December 9, 2011, did you work with law
24 enforcement in any capacity?

25 A No.

1 Q Okay. Prior to December 9, 2011, had you had any contact
2 whatsoever of any kind with either local law enforcement, state
3 law enforcement of any kind, or federal law enforcement?

4 A I don't understand your question. I'm sorry.

5 Q Okay. Let me clarify.

6 MR. FLANNERY: I'm going to object. I think the relevant
7 questions have been asked. I mean we've all had some contact
8 with some law enforcement in our lifetime. I think the
9 question's becoming confusing.

10 THE COURT: You can make an objection.

11 MR. FLANNERY: Objection, your Honor.

12 THE COURT: I'm not going to allow counsel to stand up and
13 interrupt interrogation and argue.

14 Let me clarify something because there's some area of
15 confusion here. The witness has testified that about a month
16 prior to December 9th, the date of the defendant's arrest, she
17 had had some communication with Officer Sheehan or some police
18 officer relative to a murder that had occurred in the apartment
19 building. All right? She's now indicating that she'd not
20 cooperated with the police before.

21 You can clarify that.

22 MR. ROBINSON: Okay.

23 BY MR. ROBINSON:

24 Q So prior to the interaction that you had with Officer
25 Sheehan a month before Ayyub's arrest, before that had you had

1 any dealings with law enforcement?

2 A No.

3 Q And when I say law enforcement, I'm asking did you have any
4 dealings with either local law enforcement, state law
5 enforcement, or federal law enforcement?

6 A I don't understand your question.

7 Q Okay. So prior -- before Ayyub was arrested and --

8 A Mm-hm.

9 Q -- before you talked to Officer Sheehan --

10 A Yes.

11 Q -- did you have any dealings with federal law enforcement?

12 A Yes.

13 Q Okay. Did you have dealings with federal law enforcement
14 before you were married to Ayyub Abdul-Alim?

15 A No.

16 Q Okay. When did you first have dealings with federal law
17 enforcement?

18 A When Ayyub went in jail.

19 THE COURT: I'm sorry. When what?

20 THE WITNESS: When he was in jail.

21 BY MR. ROBINSON:

22 Q I guess I'm confused. I had asked you whether you had had
23 dealings with federal law enforcement before you'd had contact
24 with Officer Ronald Sheehan.

25 A Mm-hm.

1 Q And you had indicated that you had had contact with federal
2 enforcement before you'd had contact with Ronald Sheehan. Is
3 that correct?

4 A I'm sorry. Can you repeat your question?

5 Q Sure. I had previously asked you whether or not you'd had
6 contact with federal law enforcement before you'd had contact
7 with Officer Ronald Sheehan, and you had indicated that you had
8 contact, that you did have contact with federal law enforcement
9 before you'd had contact with Ronald Sheehan. Is that correct?

10 A When I went for witness to the murder, that's when I ask for
11 help. I never go to the police station or to the courtroom.
12 That's the one when I asked for help. I have the gun in my
13 pictures. And when I just talked to you in the room, I told you
14 I went to the police station. I called 911, because when the
15 shooting happened eight times and I told you I'm scared and I
16 asked for help. When I hide my son in the bathtub and he's doing
17 the shooting from fourth floor, that's the time I went to the
18 police station, ask for help, so that's only the time, and I
19 don't know Ron till he's help me.

20 Q Okay.

21 A That's the time I know him. So this is before he went to
22 the jail.

23 Q Okay.

24 A Yeah.

25 Q So you didn't know Ronald Sheehan before you went into the

1 police station around the time that the murder had happened in
2 the -- in your building, is that correct?

3 A Till when the murder happened, yes.

4 Q Okay. So before that, before you had contact with Ronald
5 Sheehan --

6 A Mm-hm.

7 Q -- did you have contact with federal law enforcement?

8 A No.

9 Q Okay. Have you received any compensation from the
10 government as a result of information that you have provided to
11 them?

12 MR. FLANNERY: Objection.

13 THE COURT: He has to -- you have to let him finish the
14 question.

15 MR. FLANNERY: I'm sorry. I thought he had.

16 MR. ROBINSON: I had.

17 THE COURT: Complete the question.

18 MR. FLANNERY: He had.

19 MR. ROBINSON: I had. I did.

20 THE COURT: Didn't sound like it. So the question -- all
21 right. So the question has she received any compensation as a
22 result of what?

23 MR. ROBINSON: As a result of information that she's
24 provided to law enforcement.

25 THE COURT: Okay. That objection is sustained.

1 BY MR. ROBINSON:

2 Q Have you received any compensation as a result of the
3 information that you had provided with respect to Ayyub
4 Abdul-Alim?

5 MR. FLANNERY: Objection.

6 THE COURT: Overruled.

7 BY MR. ROBINSON:

8 Q You answer the question.

9 A Yes. I -- for the transportations because I go to New York
10 and I travel a lot, yes.

11 THE COURT: I'm sorry, ma'am. I'm going to ask you to
12 repeat that and keep your voice up.

13 THE WITNESS: Sure.

14 THE COURT: Speak a little more slowly. I didn't understand
15 you.

16 THE WITNESS: Yes. I used that for transportations to New
17 York and for the store because I sell clothes, yes.

18 THE COURT: Are you saying that you received money for
19 transportation?

20 THE WITNESS: No, no. I use this money for transportations,
21 yes.

22 THE COURT: So you received some money?

23 THE WITNESS: Yes.

24 THE COURT: And you used it to travel to New York?

25 THE WITNESS: Yes.

1 THE COURT: And to purchase some clothes?

2 THE WITNESS: Yes.

3 THE COURT: For yourself?

4 THE WITNESS: Yes.

5 THE COURT: All right. Thank you.

6 BY MR. ROBINSON:

7 Q And how much money did you receive?

8 A About I think thousand dollar.

9 Q A thousand dollars. And did that thousand dollars, did that
10 come from federal law enforcement or did that come from state law
11 enforcement?

12 A I don't know where it's coming from.

13 Q Okay. Do you know who gave you that thousand dollars?

14 A I'm sorry?

15 Q Do you know who gave you that thousand dollars? Who was the
16 person who handed you the thousand dollars?

17 A It's from Officer Ron.

18 Q When you say Officer Ron, you're referring to Officer Ronald
19 Sheehan?

20 A Yes.

21 Q Okay. He handed you cash --

22 A No. It was --

23 Q -- or was it a check?

24 A It was in the building. It was -- it was some people over
25 there, too.

1 Q I'm sorry. I didn't understand.

2 A I said it was some people over there, too.

3 Q When you say some people over there, you mean --

4 A It was at the police, yes.

5 Q Other police officers?

6 A Not the police officer, but in the building. I don't know
7 what's the name, what they work for, but it's a building.

8 Q Okay. I think I understand. So you were at the police
9 station when you received the money?

10 A It's not in the police station.

11 Q Oh. Well, where were you when you received the money?

12 A It's in the building, but I don't know what -- I'm not from
13 Springfield, so I don't know where's -- what's -- where's the
14 address.

15 Q Oh. Do you know roughly what section of Springfield you
16 were in when you received that -- when you received that money?

17 A I think downtown, but I don't know where.

18 Q Okay. And when you received that money, who was present?

19 A Excuse me?

20 Q Who was there when you received that money? You were
21 there?

22 A Yes.

23 Q Okay. And Officer Ronald Sheehan, he was there?

24 A Yes.

25 Q Okay. Was there anybody else there?

1 A Yes, but I don't know them.

2 Q You didn't know who the other person was?

3 A No.

4 Q How many other people were there?

5 MR. FLANNERY: Objection.

6 THE COURT: Overruled.

7 BY MR. ROBINSON:

8 Q You may answer the question. How many other --

9 A Mm-hm.

10 Q -- people were there when you received money from the
11 police?

12 A Maybe three or four. I don't remember.

13 Q Three or four people?

14 A Yes.

15 Q Okay. But you didn't know who those people were?

16 A No.

17 Q Okay. Did you ever have an agreement, a signed agreement,
18 with the Springfield Police Department with respect to this case?

19 A No.

20 Q Did you ever have any -- did you ever receive any type of
21 letter of understanding or any type of writing with regard to the
22 services that you were going to provide to the police department?

23 A No.

24 Q Was Ronald Sheehan the main person that you had contact with
25 in terms of your work that you did for the police department?

1 A I'm sorry?

2 Q Was Officer Ronald Sheehan, was he the main person that you
3 had contact with?

4 A Yes.

5 Q Okay. And getting back to the payment, you said you'd
6 received about a thousand dollars. Was that in -- was that in
7 cash or did you receive a check?

8 A Cash.

9 Q Okay. And did you sign any paperwork? Was there a receipt
10 filled out indicating that you'd received that money?

11 A No.

12 Q It was just handed to you?

13 A Yes, I did. Yes, I signed a paper.

14 Q And do you recall what -- was that paper a large document?
15 Was it a small receipt? Do you remember what that document was
16 that you signed when you took the thousand dollars?

17 A It's just -- it's a paper. It's not small, but it's regular
18 paper.

19 Q Okay. And you were in a building, you believe, in downtown
20 Springfield. Were you told to meet Officer Sheehan at that
21 location or were you brought there?

22 A I'm sorry?

23 Q You had mentioned that when this happened --

24 A Mm-hm.

25 Q -- when you received this money --

1 A Mm-hm.

2 Q -- you were in downtown Springfield, is that correct?

3 A Yes.

4 Q In a building?

5 A Yes.

6 Q And you're not sure which building?

7 A I know where it is, but I don't know the address. I drive

8 there. It's in downtown, but I don't know where exactly.

9 Q Okay.

10 A Like I do not remember the address. It's been a long time.

11 Q So you just said you drove there?

12 A Yes.

13 Q Okay. So the police didn't bring you there?

14 A No.

15 Q Okay.

16 A But I know -- I know the building, but I just -- I don't

17 know the address.

18 Q Okay. And so you were told to meet the police there, is

19 that correct?

20 A Yes.

21 Q And when did that happen? When did that meeting take place?

22 A I don't remember.

23 Q Was that before or after Ayyub's arrest?

24 A I think after.

25 Q Are you sure that it was after?

1 A Yes.

2 Q And Ayyub was arrested in early December, December 9, 2011?

3 A Mm-hm.

4 Q Was this weeks after he was arrested or was it months
5 later?

6 A It was months, months later. When -- when I have problem
7 with the rent for the store and -- and traveling to New York,
8 yes.

9 Q Okay. So at that time you were having some financial
10 difficulties, is that correct?

11 A Yes.

12 Q Okay. Did you communicate your financial difficulties to
13 the police? Did you tell Officer Sheehan that you were having
14 some financial trouble?

15 A Yes.

16 Q And then after that, he agreed to meet with you and arrange
17 to give you this money?

18 MR. FLANNERY: Objection, your Honor. I'm going to object
19 to this line of questioning at this point. We're talking about
20 months later. This is a motion to suppress and this is the
21 defendant's own witness who we've now spent about ten minutes
22 impeaching.

23 THE COURT: Well, credibility of a witness is always
24 relevant where a person who acted as an informant is receiving
25 funds. The receipt of those funds is relevant. I do think that

1 you've established that she received some funds, roughly the time
2 line. You're now exploring the location. It's becoming somewhat
3 tangential. I'll give you a few more questions, but then, given
4 the time and this witness's need to be somewhere else at two
5 o'clock, I'm going to require you to move on.

6 MR. ROBINSON: Yes, your Honor.

7 BY MR. ROBINSON:

8 Q The money that you received months after Ayyub's arrest, was
9 that the only monies that you received from the Springfield
10 Police Department?

11 A I'm sorry?

12 Q Was that the only money that you got from the Springfield
13 Police Department?

14 A Yeah. Any time I have a problem with the rent, yes, I call.
15 Like maybe two or three times.

16 Q Okay. So two or three times --

17 A Yes.

18 Q -- you had called Officer Sheehan --

19 A Yes.

20 Q -- and he had provided you with financial assistance?

21 A Yes.

22 Q Okay. And the first time was a few months after Ayyub's
23 arrest?

24 A Yes.

25 Q Okay. And there was another time after that. Was that a

1 month or so after that?

2 A I don't remember.

3 Q Okay. And -- but you think that there was two, possibly
4 three more payments that you received from the Springfield Police
5 Department?

6 A I'm sorry?

7 Q You mentioned that there were up to three payments that
8 you'd received from the Springfield Police Department --

9 A Yes.

10 Q -- is that correct?

11 A Mm-hm.

12 Q Okay. And the first one came a few months after Ayyub's
13 arrest, is that correct?

14 A Yes.

15 Q Okay.

16 MR. FLANNERY: Objection. Asked and answered.

17 THE COURT: Sustained.

18 MR. ROBINSON: I'm just getting to the other two, your
19 Honor.

20 THE COURT: Get to the other two then.

21 MR. ROBINSON: I will.

22 BY MR. ROBINSON:

23 Q So there were two other payments, is that correct?

24 A Yes.

25 Q Okay. And can you give us a rough time frame of when those

1 other two payments occurred?

2 A Excuse me?

3 Q Do you know roughly when those payments occurred, the other
4 two?

5 A No.

6 Q No? Okay. But they happened sometime after that first
7 payment?

8 A Yes.

9 Q Okay. And do you remember the amounts that you received
10 from the Springfield Police Department?

11 A No.

12 Q Okay. Would the amount be in excess of a thousand dollars?

13 A I don't remember. I remember the first time. I don't
14 remember.

15 Q Do you don't remember on the second and third time whether
16 you received a dollar?

17 A Maybe. I don't remember.

18 Q You don't remember whether you received \$10,000?

19 MR. FLANNERY: Objection, your Honor.

20 A I don't remember.

21 THE COURT: Overruled.

22 BY MR. ROBINSON:

23 Q Do you remember if you received a hundred thousand dollars?

24 A Maybe. I don't remember.

25 Q Okay. You're not sure if you received a hundred thousand

1 dollars --

2 A No.

3 Q -- from the Springfield Police Department?

4 A No.

5 Q Okay. So after you provided information on Mr. Ayyub
6 Abdul-Alim, you could have been provided with up to a hundred
7 thousand dollars?

8 A Excuse me?

9 Q You could have been provided with up to a hundred thousand
10 dollars?

11 MR. FLANNERY: Objection, your Honor.

12 THE COURT: What's the basis for your objection?

13 MR. FLANNERY: Your Honor, we've gone way past the point
14 where this is relevant. We've already covered this ground.

15 THE COURT: Overruled.

16 Do you know the total amount that you've received from the
17 Springfield Police for your --

18 THE WITNESS: I remember the first one, yes. It was a
19 thousand, but I don't remember.

20 THE COURT: Do you remember the amount -- approximately the
21 amounts you received at later times?

22 THE WITNESS: Because they're going for rent -- I pay the
23 rent store, his store, so it goes for rent, it go for -- because
24 I go to New York, that's -- and --

25 THE COURT: I'm going to ask you the question again, ma'am.

1 Do you remember the approximate amounts, how many dollars you
2 received on the second occasion and then on the third occasion?

3 THE WITNESS: Okay. I remember I have a letter from the
4 landlord and it's \$2,000 for the rent.

5 THE COURT: \$2,000?

6 THE WITNESS: Yes. That's from the landlord, but we don't
7 give him \$2,000. We gave him less than that. So probably like
8 thousand and a half, but this time I give to the landlord
9 thousand dollars.

10 THE COURT: Okay.

11 BY MR. ROBINSON:

12 Q And so was that the second payment that you received from
13 the Springfield Police Department?

14 A Yes.

15 Q Okay. And when you received that second payment, was that
16 also -- did you receive that payment in cash?

17 A Yes.

18 Q And did you sign a receipt?

19 A I think, yes.

20 Q Okay. And the person who handed you that cash payment, was
21 that Officer Ronald Sheehan again?

22 A Yes.

23 Q Okay. And so then there was another payment after that, is
24 that correct?

25 A Yes. That's the same thing. I have -- I have from the

1 landlord, from Boston, yes, for the store.

2 Q Okay.

3 A I call and I ask for help because I have to pay rent.

4 Q Okay. And so that third time you called and again you met
5 with Officer Sheehan, is that correct?

6 A Yes.

7 Q And he handed you some amount of cash in excess of a
8 thousand dollars, is that correct?

9 A Yes.

10 Q And you signed a receipt for it?

11 A Mm-hm.

12 Q Okay. All right. So to the best of your recollection, you
13 had -- you received three payments, is that correct?

14 A Yes.

15 Q Okay. Prior to providing information with respect to Mr.
16 Abdul-Alim, did you have any interactions with personnel from
17 Immigration and Customs Enforcement?

18 A Excuse me?

19 Q Did you have any -- prior to providing information --

20 A Mm-hm.

21 Q -- about Mr. Abdul-Alim, did you have any contact with or
22 dealings with individuals from Immigration and Customs
23 Enforcement?

24 A No.

25 Q Prior to providing information with respect to Mr. Ayyub

1 Abdul-Alim, did you have any contact with any individuals
2 associated with the FBI, with the Federal Bureau of
3 Investigation?

4 A No.

5 Q Okay. Jumping back to the payments just very briefly, the
6 last payment that you received, do you know roughly when that
7 was, the last payment you received from the Springfield Police
8 Department?

9 A When?

10 Q Yeah.

11 A No. I don't remember.

12 Q Okay. And when you were working with Officer Sheehan, you
13 were aware that he was a Springfield police officer, is that
14 correct? }

15 A I'm sorry?

16 Q When you were working with Officer Sheehan --

17 A Mm-hm.

18 Q -- a month prior to Ayyub's arrest, you were aware that he
19 was a Springfield police officer, is that correct?

20 A Yes.

21 Q Okay. You were also aware that he was part of a joint task
22 force, is that correct?

23 A I'm sorry?

24 Q You were aware -- you were also aware that, in addition to
25 being a regular police officer, he was also part of a joint task

1 force, is that correct?

2 A Yes.

3 Q Okay. And that joint task force is both Springfield Police
4 Department and federal law enforcement, is that correct?

5 A Mm-hm.

6 Q Okay. In your dealings with Ronald Sheehan before Ayyub's
7 arrest, did you ever have contact with any federal authorities
8 who were part of the joint task force?

9 A No.

10 Q Were you ever introduced to people while you were working
11 with Ronald Sheehan that you did not know?

12 A I'm sorry?

13 Q Were you ever introduced to people while you were working
14 with Ronald Sheehan that you did not know?

15 A No.

16 Q Okay. But you'd mentioned that when you'd received payments
17 there were people present who you did not know, is that correct?

18 A Yes.

19 Q Okay. So those people who you didn't know, none of those
20 people were present when you were dealing with Ronald Sheehan
21 before the arrest, is that correct?

22 A I'm sorry? Repeat your questions.

23 Q Okay. Well, let me clarify that a little bit.

24 A Mm-hm.

25 Q You had mentioned that when you'd received payments --

1 THE COURT: I'm going to interrupt you just for a moment so
2 I can speak to my court personnel.

3 Court personnel have any problem, given this witness's
4 schedule, going beyond one to perhaps 1:30? Does anybody have a
5 problem with that?

6 Mr. Cosmos, do you have a problem with that?

7 (No audible response.)

8 THE COURT: All right. We're going to go to -- we'll go to
9 1:30 and we'll just take a late lunch break.

10 But please keep in mind I'm going to give you to about 1:15
11 for your questioning, so you want to be efficient, all right?

12 MR. ROBINSON: Yes, your Honor.

13 BY MR. ROBINSON:

14 Q You had mentioned when you received payments from Ronald
15 Sheehan the first time that there were people present, three or
16 four other people, is that correct?

17 A Yes.

18 Q And you didn't know who those people were?

19 A No.

20 Q Okay. Had you seen those people before?

21 A No.

22 Q Okay. And were those people present again when you received
23 your other payments?

24 A No. It was different people.

25 Q Different people?

1 A Yes, but it's the same building.

2 Q In the same building?

3 A Yes.

4 Q Okay. So each time you received a payment from Ronald
5 Sheehan there were other people present, but you did not know who
6 they were, is that correct?

7 A No, no.

8 Q Okay. Did you receive payments from Ronald Sheehan and
9 there were other people present and you did know who some of
10 those people were?

11 A Excuse me?

12 Q Okay. When you received payments from Ronald Sheehan, there
13 were other people there the first time?

14 A Mm-hm.

15 Q You didn't know who those people were?

16 A No.

17 Q Okay.

18 A It looks like the -- it looked like police. It's -- they're
19 wearing -- for me I think it's maybe FBI or police.

20 Q Okay. The second time you received a payment --

21 A Mm-hm.

22 Q -- were there other people there with Ronald Sheehan?

23 A Yes.

24 Q Did you know any of those people?

25 A No.

1 Q Okay. And then the third time you had received payment,
2 there were people with Ronald Sheehan, is that correct?

3 A Yes.

4 Q Did you know any of those people?

5 A Yes.

6 Q Okay. And who were those people that were with him the
7 third time?

8 A I don't know.

9 Q You're not sure who those people were?

10 A No.

11 Q Had you seen them before?

12 A Yes.

13 Q Okay. Where had you seen those people?

14 A Same building.

15 Q The same building?

16 A Yes.

17 Q Okay. And the building that you -- where you were, had you
18 been there for any other reasons besides receiving those three
19 payments?

20 A No.

21 Q Okay. Those people that were there when you received those
22 payments, had you seen any of those people before Ayyub's arrest?

23 A No.

24 Q After you spoke with Ronald Sheehan for the first time, how
25 many times were you in contact with him before Ayyub's arrest?

1 A First time I have a phone call, not from Ron, from the other
2 police officer. I went to the police station because, like I
3 said, I went to ask for help because I see the gun. My son's
4 with me. I want to protect myself and my son. I went there and
5 I ask for help. I have pictures, so I showed them, and I met Ron
6 that first time and I talked to him.

7 Q Okay.

8 A So when Ayyub, he has the gun with him that day, that's
9 why -- when I called the police.

10 Q So after the first time that you met with Ronald Sheehan --

11 A Mm-hm.

12 Q -- you did not talk to him again? You had no communication
13 with him until the day of Ayyub's arrest, is that correct?

14 A I did -- I did call him. I called him, yes.

15 Q Okay. How many times did you have calls with Ronald Sheehan
16 in between the first time you met with Ronald Sheehan and when
17 Ayyub was arrested?

18 A I ask because when the shooting happen, when he do the
19 shooting eight times upstairs and I called the police, I ask,
20 "I'm going to go home. I'm going to take my son and go back
21 home." And after, Ayyub, he said, "No, just stay. It was just
22 me." He was -- he was shooting from upstairs because he was mad
23 eight times. I'm the one who called the police. And I don't
24 know it was him till he told me it was him.

25 And the next day the police I think find the bullets

1 outside. He was doing it from the Apartment 4.

2 Q When you made that call, was that call to Officer Sheehan?

3 A No.

4 Q That was just 911?

5 A That time I call 911.

6 Q Okay.

7 A And the police came. I was talking to them from the window.
8 I left my son in the bathtub because it's very close and you can
9 tell it was the same building. I told the police it was eight
10 times shooting. I'm the one called for the police. The guy in
11 the gas station, he was scared. He's turning the lights off. So
12 when the police come, my son -- I was -- me and my son's in the
13 bathtub. When I heard the police, I opened the window and I
14 talked to them. I keep calling Ayyub. He doesn't answer the
15 phone. I was thinking something has happened to him.

16 So after Ayyub he was on the fourth floor with the guy and
17 he has the gun in him. When Ayyub -- he was in jail, the guy, he
18 said, "I can't answer the phone this time because your
19 husband" --

20 Q Okay. What --

21 A -- "he pulled the gun on me."

22 Q What I was asking you about was your conversations, your
23 communication --

24 A Mm-hm.

25 Q -- with Officer Sheehan --

1 A Yes.

2 Q -- if there had been any. You mentioned a 911 call.

3 A I did call --

4 Q Right.

5 A I did call the police this time.

6 Q But you didn't talk to Officer Sheehan at that time, did
7 you?

8 A No.

9 Q Okay. So in between the time when you first met with
10 Officer Sheehan --

11 A Mm-hm.

12 Q -- when you went down to the police station and the point
13 when you called the police the day Ayyub was arrested, did you
14 have any communication? Did you call Officer Sheehan? Did he
15 call you? Was there any communication between you and Officer
16 Sheehan between those two points?

17 A I called. I said whenever -- I ask if whenever he has the
18 gun on him if I call him. He said yes. That's the day when I
19 called him.

20 Q So just so I'm clear.

21 A Mm-hm.

22 Q You went down to the police station, you met with Ronald
23 Sheehan for the first time about a month before Ayyub was
24 arrested. You didn't have any contact whatsoever with Officer
25 Ronald Sheehan from that point until the day that Ayyub was

1 arrested, is that correct?

2 A Yes. I did call him.

3 Q You called him the day --

4 A Yes.

5 Q -- that Ayyub was arrested?

6 A Yes, I did call him.

7 Q Okay.

8 A Yes.

9 Q But you didn't call him before the day --

10 A I did -- I did call him before --

11 Q Okay.

12 A -- because --

13 Q When was that? When did you have a call with Officer
14 Sheehan before the day Ayyub was arrested?

15 A I called to ask because Ayyub, he has three cars in my name,
16 and I feel like he do something. I want to protect myself. I
17 called for help. He has three cars in my name and he go to New
18 York a lot.

19 THE COURT: Ms. Stewart, I'm sorry to interrupt you.

20 THE WITNESS: Mm-hm.

21 THE COURT: I'm going to instruct you to listen to the
22 question and just answer the question. The question was when did
23 you call Officer Sheehan between the time that you first met him
24 at the police station and December 9, 2011, the date that Mr.
25 Ayyub --

1 THE WITNESS: I call him maybe two or three times, but I
2 don't remember what day. Yes, I did call him to ask for those
3 questions.

4 BY MR. ROBINSON:

5 Q Okay. And was that the only call that you had or
6 communication that you had with Officer Sheehan from the point
7 when you first met him to the point when Ayyub was arrested and
8 you called?

9 A How many phone call I made?

10 Q Yeah.

11 A Any -- any time I have a question, I feel I'm not safe, yes,
12 I did call him to ask him.

13 Q Okay.

14 A Yes.

15 Q And so how many times did you call him?

16 A I don't remember how many times, but, yes, I did, because
17 I'm not from Springfield --

18 Q Okay.

19 A -- and that's why I call him and ask him.

20 Q Okay. So there was about a month from when you first went
21 to meet with Ronald Sheehan to the point when Ayyub was arrested.
22 Did you call Officer Sheehan every couple of days in that period
23 of time?

24 A No, not every days, no.

25 Q Okay. Once a week?

1 A Like anything is happen, something is happen, I call and I
2 ask.

3 Q Okay. So would that be three or four times you had called?

4 A Maybe more than that.

5 Q More than four times?

6 A Maybe, yes.

7 Q Okay. So you were in regular contact with Officer Sheehan?

8 A Yes.

9 Q Okay. During that period of time, were you in regular
10 contact with any other law enforcement personnel --

11 A No.

12 Q -- besides Officer Sheehan?

13 A No.

14 Q And during that period of time when you were in regular
15 contact with Officer Sheehan five or six times, did you receive
16 any monies from Officer Sheehan?

17 A No.

18 Q Okay.

19 MR. ROBINSON: If I could have a moment, your Honor?

20 THE COURT: You may.

21 BY MR. ROBINSON:

22 Q Did you ever have contact with a Special Agent Hiskin
23 (phonetic) --

24 A No.

25 Q -- with the FBI?

1 A No.

2 Q You had indicated you had had conversations with Ron Sheehan
3 perhaps five or six times in that month before Ayyub is arrested.
4 Did you ever meet with him in person?

5 A I'm sorry?

6 Q You'd indicated that you had five or six phone conversations
7 with Officer Sheehan prior to Ayyub's arrest. Did you ever meet
8 with Officer Sheehan in person?

9 MR. FLANNERY: Objection. Asked and answered.

10 THE COURT: Basis for the objection?

11 MR. FLANNERY: This question has been asked and answered I
12 think a number of times.

13 THE COURT: It has been asked and was answered that she had
14 met with him on one occasion, but then her testimony has actually
15 varied since the time that question was put in terms of the
16 number of communications she had, so the objection's overruled.

17 BY MR. ROBINSON:

18 Q So the question was did you meet with Officer Sheehan in
19 that month before Ayyub was arrested? Did you ever meet him face
20 to face?

21 A Yes, in the police station.

22 Q Okay. I know the first time you met with him --

23 A Yes.

24 Q -- that was in the police station. After that, did you meet
25 with him face to face or was it only on the phone?

1 A The second time when they called me for the murder, witness,
2 yeah, this is the second time.

3 Q Okay. At that time you met with Officer Sheehan face to
4 face?

5 A This is the second time, yeah.

6 Q Okay. And that was because you were a witness to a murder,
7 is that correct?

8 A Yes.

9 Q Okay. And did you also discuss Mr. Abdul-Alim at that time?

10 A I'm sorry?

11 Q Did you also discuss Mr. Abdul-Alim at that time?

12 A No. That's the other police officer. He told me, "Ron,
13 he's going to help you." That's the second time I see Ron. The
14 first time in the police station; the second time in the police
15 station.

16 Q So the first time you went to the police station you didn't
17 meet with -- did you meet with Ronald Sheehan or no?

18 A No. The first time I went by myself. I don't know nobody.
19 It's my first time I went to the police station. I met one lady,
20 but she doesn't know anything. I just told her -- I told her my
21 situations and -- and we sit and we talked. So after I have
22 phone call, I went and met Ron. That's the first time and
23 second -- two times I see him in the courts -- in the police
24 station.

25 Q In the police station, okay. So the second time you saw

1 him, that was after the murder had occurred in your building?

2 A Yes. After the murder, yeah.

3 Q Okay. And so was he talking to you at that time about the
4 murder?

5 A The other police officer about the murder, not Ron.

6 Q Okay. Not Ronald Sheehan. Okay.

7 Did he talk to you about Ayyub Abdul-Alim at that time?

8 A I did talk about Ayyub Abdul-Alim.

9 Q Okay.

10 A Yes.

11 Q Did Officer Sheehan ever tell you anything about Ayyub
12 Abdul-Alim?

13 A No.

14 Q He never gave you any information about Ayyub Abdul-Alim?

15 A No.

16 Q Okay. Did he offer to help you financially at that time?

17 A No.

18 Q Have you been charged with any crime?

19 A No.

20 Q Have you been the subject of any investigation recently for
21 a crime?

22 A No.

23 Q What is your current immigration status?

24 A I'm sorry?

25 Q What is your current immigration status?

1 MR. FLANNERY: Objection.

2 THE COURT: I'll let you make an offer of proof. How do you
3 think this is relevant to an assessment of her credibility?

4 MR. ROBINSON: Yes, your Honor. It would go to bias,
5 potentially, motive to lie, that she'd be incurring favor with
6 the government, potentially, by proving information about my
7 client in order to secure immigration status perhaps for herself,
8 but also family members. That would be the area I'm going into.

9 THE COURT: Overruled.

10 You can answer the question, ma'am.

11 THE WITNESS: Mm-hm.

12 BY MR. ROBINSON:

13 Q Are you currently in this country on a visa?

14 A No.

15 Q Okay. What is your current status?

16 A I'm going to be citizen in January. I'm going to apply
17 for -- I have ten years green card.

18 Q Okay. So for the past ten years you've had a green card?

19 A Yes.

20 Q And did you make an application for citizenship?

21 A Yes, I did.

22 Q Okay. And when did that application happen?

23 A That's four years ago.

24 Q Okay. And did you come -- were you born in this country?

25 A No. Africa.

1 Q Okay. Would that be Morocco?

2 A Yes.

3 Q Okay. And when did you come to this country?

4 A 2004.

5 Q Okay. And did you come to this country on a visa?

6 A Married.

7 Q Married?

8 A Yes. Fiancée visa, I guess.

9 Q Okay. But you're no longer with that individual?

10 A I'm sorry?

11 Q You're no longer with that individual?

12 A No.

13 Q Okay. And since the time you came into the country --

14 A Mm-hm.

15 Q -- you have not worked with any law enforcement?

16 A No.

17 Q Well, the question was you haven't worked with any law
18 enforcement until 2011 with respect to Ayyub Abdul-Alim, is that
19 correct?

20 A Yes.

21 Q Okay. You have a brother in this country, as well?

22 A I have two brothers and my mom and my dad.

23 Q Okay. And your two brothers and your mom and your dad are
24 all living in this country?

25 A Yes.

1 Q Okay. And did they come over on visas, as well?

2 A My brother is 15 years here. His wife, she's American, and
3 he's citizen, yes.

4 Q And what about your other brother?

5 A Yes. He has his papers, too, here.

6 Q What papers does he have?

7 A He has green card.

8 Q Okay. And how long has he had that green card for?

9 A Four or five years, and next month he's going to be citizen.

10 Q Okay. So he made an application for citizenship?

11 THE COURT: All right. Attorney Robinson --

12 MR. ROBINSON: Yeah.

13 THE COURT: -- I'm going to cut you off now on this line of
14 inquiry. This is for purposes of a motion to suppress. I'm the
15 decider in this instance of credibility. I don't need to hear
16 any more about her family's immigration status.

17 Did you have other areas of inquiry that you wanted to go
18 into?

19 MR. ROBINSON: Your Honor, if I could just have one moment?

20 THE COURT: You may one moment.

21 MR. ROBINSON: Okay, to confer with my client.

22 THE COURT: In fact, you asked for one moment about 15
23 minutes ago. I gave you that one moment. I'm going to give you
24 another moment --

25 MR. ROBINSON: Okay.

1 THE COURT: -- but you're going to have to let me know what
2 further areas you're going to go into. Okay?

3 MR. ROBINSON: I will do that, your Honor.

4 THE COURT: Thank you, sir.

5 MR. ROBINSON: Thank you.

6 BY MR. ROBINSON:

7 Q You had --

8 THE COURT: Mr. Robinson --

9 MR. ROBINSON: Oh, I'm sorry, your Honor.

10 THE COURT: -- what areas of inquiry are you intending to go
11 into?

12 MR. ROBINSON: Your Honor, previously when asked about her
13 contact with law enforcement prior to Mr. Abdul-Alim's arrest,
14 she had mentioned making a call with respect to hearing -- it
15 sounded like hearing gunshots fired in the area. I did want to
16 explore that area a little bit with her and her knowledge about
17 that.

18 THE COURT: What other areas?

19 MR. ROBINSON: I think that's -- I think that's essentially
20 it.

21 THE COURT: I'll allow you a few questions.

22 MR. ROBINSON: Yes, your Honor.

23 BY MR. ROBINSON:

24 Q You testified that you had contact with law enforcement,
25 that you'd made calls and you had a concern, you called 911,

1 because you had heard shots fired, is that correct?

2 A Yes.

3 Q And you were scared because you thought that Ayyub
4 Abdul-Alim might have been shot, is that correct?

5 A Yes, or something happened to me or my son.

6 Q Okay. And you never saw Mr. Abdul-Alim shooting a gun at
7 that time, did you?

8 A No.

9 MR. ROBINSON: Okay. I have nothing further, your Honor.

10 THE COURT: Thank you, sir.

11 Attorney Flannery, did you have any questions for this
12 witness?

13 MR. FLANNERY: I have a few, your Honor.

14 THE COURT: All right.

15 MR. FLANNERY: I should be done in --

16 THE COURT: Let me ask -- all right. Go ahead. Proceed.

17 CROSS-EXAMINATION

18 BY MR. FLANNERY:

19 Q Good afternoon, Ms. Stewart. I just have a few questions
20 for you.

21 A Okay.

22 Q You testified that the first time that you met with Officer
23 Sheehan in person was approximately a month --

24 A Mm-hm.

25 Q -- before the defendant in this case was arrested, correct?

1 A Yes.

2 Q And that you had a number of conversations with him between
3 that time and the time of the defendant's arrest, right?

4 A Yes.

5 Q And the evening that you called Officer Sheehan, the evening
6 of the arrest that is, you told Officer Sheehan that the
7 defendant had a gun on him?

8 A Yes.

9 Q Now, you testified that from your window you observed a
10 white Jeep and a police cruiser. Did you also tell Officer
11 Sheehan about that white Jeep?

12 A Yes. It was a white Jeep there, yes.

13 Q But when you called him before the police got there, had you
14 also mentioned the Jeep or somebody that Mr. Abdul-Alim was going
15 to meet?

16 A Yes. I told him his friend was outside, yes.

17 Q Okay. And that was something that you had talked to Officer
18 Sheehan about prior to that evening?

19 A Yes.

20 Q So when you saw that that was going to happen, you called
21 him and said, you know, this is all happening -- you know, this
22 is about to happen, correct?

23 A Yes.

24 Q Now, you knew that the defendant had a gun on him because
25 you actually saw him with a gun, is that correct?

1 A Yes. I lived with him, yes. I see it.

2 Q Okay. And so you actually -- before he left the apartment
3 you actually saw him place the gun into his pants, is that right?

4 A Yes. In his underwears, yes.

5 Q Okay. And that's what you told Officer Sheehan?

6 A Yes.

7 Q And, now, you said that you watched from the window as two
8 other police officers approached the defendant?

9 A Yes.

10 Q And you say that you watched them pat frisk him, is that
11 what your testimony was?

12 A I'm sorry?

13 Q You testified that you saw these two officers search the
14 defendant in a way that we call pat frisk, patting his clothing
15 down?

16 A Yes.

17 Q And you also testified that it didn't look from your
18 perspective like they had found anything, is that right?

19 A The first one, no. The second one, yes.

20 Q Okay. Well, how did you know that? Did you know that from
21 just looking at it or did you get a call from Officer Sheehan?
22 Do you recall?

23 A I see -- I look from the window, did not find anything.

24 Q Okay.

25 A I called back.

1 Q So you called Officer Sheehan. Was that on his cell phone
2 that you called him?

3 A Yes.

4 Q And you told Officer Sheehan that -- did you give him more
5 information about where --

6 A Yes.

7 Q -- you believed the gun was?

8 A Yes.

9 Q And at that point were you more specific about the location
10 of the gun?

11 A Yes.

12 Q Okay. So initially you told the police or Officer Sheehan
13 that it was in the defendant's pants, but this time you were more
14 specific and said that it was perhaps farther down?

15 MR. ROBINSON: Objection, your Honor.

16 A Yes. And they find it, yes.

17 THE COURT: Objection basis?

18 MR. ROBINSON: Leading, your Honor. He's basically feeding
19 responses to the witness.

20 THE COURT: Though it is cross-examination. It's really not
21 the defendant's witness, so I'm not going to permit you to lead
22 in the manner that you are.

23 MR. FLANNERY: Yes, your Honor.

24 THE COURT: So the objection is sustained.

25 MR. ROBINSON: And I would move to strike her last response.

1 THE COURT: The last response is stricken.

2 MR. ROBINSON: Thank you, your Honor.

3 BY MR. FLANNERY:

4 Q Well, if you could tell us what you remember telling Officer
5 Sheehan the second time you called him that evening after you saw
6 that the police had not found a gun on the defendant?

7 A I told them he put it in his underwear.

8 Q Okay. And after that point you saw the police -- did you
9 see the police search him again?

10 A Yes, and they find it.

11 MR. FLANNERY: I have nothing further.

12 THE COURT: All right.

13 MR. ROBINSON: I just have one question, your Honor.

14 THE COURT: Really?

15 MR. ROBINSON: If I may.

16 THE COURT: I can't wait for this. Go ahead. Put your one
17 question then.

18 REDIRECT EXAMINATION

19 BY MR. ROBINSON:

20 Q I just want to establish when -- you were talking about
21 observing a white Jeep. When you first called Officer Sheehan on
22 the day that Ayyub was arrested, you waited until after Ayyub had
23 left the apartment and was on his way downstairs before you
24 called the police, is that correct?

25 A When he went outside. Not outside from the building;

1 outside from the apartment door.

2 Q Okay. Once he left the apartment door, you called the
3 police at that point, is that correct, for the first time?

4 A Yes.

5 Q And that was the first contact you'd had with the police all
6 day?

7 A I'm sorry?

8 Q That was the first contact that you had had with the police
9 all day?

10 A Yes.

11 Q Okay. And then you saw Ayyub moments later outside, is that
12 correct?

13 A Well, he's taking longer to go downstairs. I don't know if
14 he's in his apartment.

15 Q So a couple of minutes?

16 A Yes.

17 Q A couple minutes later?

18 A Couple, yes.

19 MR. ROBINSON: I have nothing further, your Honor.

20 THE COURT: All right. Thank you.

21 Any recross?

22 MR. FLANNERY: No, your Honor.

23 THE COURT: All right. Thank you, ma'am. You may step
24 down.

25 THE WITNESS: Thank you.

1 (Witness excused.)

2 THE COURT: All right. It's almost 1:30. We're going to be
3 in recess to 2:30, and then we'll resume at that time.

4 Do counsel expect that, what, we have about an hour and a
5 half left? Is that realistic that we can complete this hearing
6 in an hour and a half?

7 MR. FLANNERY: I hope so, your Honor.

8 MR. ROBINSON: I hope so, your Honor.

9 THE COURT: We'll see you at 2:30.

10 COURT OFFICER: Court all rise.

11 (Court in recess at 1:23 p.m.)

12 (Court in session at 2:45 p.m.)

13 (Defendant present.)

14 THE COURT: Well, is there an issue of its authenticity?

15 MR. FLANNERY: No, your Honor.

16 MR. ROBINSON: I don't believe so. I believe the
17 Commonwealth provided the tape.

18 MR. FLANNERY: I assume it's -- I assume it's the one --

19 THE COURT: Let me be clearer. Maybe I'm not asking the
20 right question. Were you going to utilize the content of what's
21 on that tape --

22 MR. ROBINSON: As evidence.

23 THE COURT: -- to cross-examine the witness or were you
24 simply going to authenticate it through the witness so that I
25 could listen to it?

1 MR. ROBINSON: I guess that depends somewhat on what the
2 witness testifies to, your Honor.

3 THE COURT: Set up your equipment.

4 While Mr. Robinson's setting up, let's re-call the Kale
5 Adsogari (phonetic) case.

6 (Hearing in recess at 2:49 p.m.)

7 (Court in session at 2:58 p.m.)

8 (Defendant present.)

9 THE COURT: Only you would know, so your next witness then
10 will be Officer Sheehan?

11 MR. ROBINSON: Well, the question is whether or not that's
12 my witness or the Commonwealth's witness.

13 MR. FLANNERY: I think it's probably my witness, your Honor.
14 There's been a motion filed with an affidavit.

15 THE COURT: Okay. So you're going to call Officer Sheehan.

16 MR. FLANNERY: I'm going to call Ronald Sheehan.

17 THE COURT: All right.

18 MR. ROBINSON: And, your Honor, I would move to sequester
19 witnesses. I neglected to do that before.

20 THE COURT: Okay. So the witnesses are -- what's the
21 Commonwealth's position?

22 MR. FLANNERY: I have no opposition to that. Officer
23 Sheehan is the only witness who's in the courtroom. I made some
24 statements to the effect earlier to the other witnesses that we
25 shouldn't be talking about the facts together. I can find them

1 and inform them.

2 THE COURT: The motion to sequester is allowed. Let the
3 witnesses know that the sequestration order is in effect.

4 MR. FLANNERY: Would you like me to do that now, your Honor?

5 THE COURT: Sure.

6 MR. FLANNERY: Thank you.

7 THE COURT: Are you ready to proceed, Attorney Flannery?

8 MR. FLANNERY: Yes, your Honor.

9 THE COURT: Are we all set?

10 MR. FLANNERY: Yes.

11 CLERK FOULKS: Yes, your Honor.

12 MR. FLANNERY: Ronald Sheehan.

13 THE COURT: Thank you.

14 THE CLERK: Officer, would you just stop and raise your
15 right hand, please.

16 (Witness sworn.)

17 THE WITNESS: I do.

18 CLERK DOLAHAR: Thank you.

19 RONALD E. SHEEHAN, Sworn

20 THE COURT: You may proceed.

21 MR. FLANNERY: Thank you.

22 DIRECT EXAMINATION

23 BY MR. FLANNERY:

24 Q Good afternoon.

25 A Good afternoon.

1 Q Could you please state your name for the record?

2 A Ronald E. Sheehan.

3 Q And can you tell us what you do for a living?

4 A I'm a Springfield Police Department officer. Excuse me.

5 Q And how long have you been an officer with the Springfield
6 Police Department?

7 A Twenty-five years today.

8 Q And in addition to being a police officer, are you a member
9 of any federal task force?

10 A Yes.

11 Q And can you tell us which ones?

12 A I'm a member of the FBI Joint Terrorism Task Force.

13 Q And how long have you been a member of that task force?

14 A Shortly after 9/11.

15 Q Are you also a member of the Gang Task Force?

16 A Previous to that I worked in the Gang Task Force from 1999
17 to 2002.

18 Q Thank you. Now, I'm going to draw your attention back to
19 the evening of December 9, 2011, and ask you whether you had
20 occasion to communicate with a Siham Stewart?

21 A Yes.

22 Q And can you tell us whether that was the first time you
23 communicated with Ms. Stewart?

24 A No. I had communicated with her before.

25 Q And approximately when was the first time that you

1 communicated with her? When did you meet her, in other words?

2 A Approximately two to three weeks beforehand.

3 Q And was that an in-person meeting?

4 A Yes. Yes.

5 Q And where did that meeting take place?

6 A The Springfield Police Department.

7 Q And was she introduced to you by another officer --

8 A Yes.

9 Q -- or did she come to you directly?

10 A No. She was introduced to me by Officer -- or Sergeant
11 Thomas Zarelli.

12 Q Okay. And --

13 THE COURT: I'm sorry. What was the officer's name?

14 THE WITNESS: Thomas Zarelli.

15 THE COURT: Thank you.

16 BY MR. FLANNERY:

17 Q And at that meeting did she talk about the defendant in this
18 case?

19 A Yes.

20 Q And did you learn what her relationship to the defendant was
21 and is?

22 A She was his spouse.

23 Q And just to make it clear, when I refer to the defendant,
24 I'm talking about the defendant in this case, Mr. Ayyub
25 Abdul-Alim.

1 A That's correct.

2 Q And do you see Mr. Abdul-Alim in the courtroom?

3 A Yes.

4 Q And can you point him out for us?

5 A He's the individual with the red tie on and the blue
6 pinstripe suit.

7 MR. FLANNERY: Your Honor, may the record reflect
8 identification?

9 THE COURT: It will so reflect.

10 BY MR. FLANNERY:

11 Q Now, just generally, what did Ms. Stewart tell you about her
12 husband, the defendant, when you first met her?

13 A That she believed he was involved with narcotics and
14 weapons.

15 Q And after your first meeting with her and prior to your
16 communication with her on the evening of December 9, 2011, did
17 you have other occasions to speak with her?

18 A Yes.

19 Q And can you give us a ballpark figure as to how many times
20 you met with her?

21 A Maybe three, and talked to her a couple times --

22 Q Okay.

23 A -- in addition.

24 Q So were some of those meetings in person?

25 A Yes.

1 Q And some were by phone?

2 A Yes.

3 Q Now, did she give you any information that related to the
4 events of December 9, 2011, before that evening?

5 A There was information related to an individual that was
6 driving a white Cherokee.

7 Q And can you tell us what she told you about that individual
8 and that vehicle?

9 MR. ROBINSON: Objection.

10 THE COURT: Basis?

11 MR. ROBINSON: It's hearsay, your Honor. We just had the
12 witness on the stand. If the Commonwealth wanted that
13 information, it could have asked the person directly.

14 THE COURT: Could have, but he can also ask this witness
15 because it's being offered for the issue of probable cause. So
16 the objection's overruled.

17 A The individual -- or she mentioned that there was an
18 individual who had tattoos on his hand, white male, driving a
19 Cherokee, that was possibly providing Ayyub Abdul-Alim for drugs
20 and was his new source of drugs.

21 BY MR. FLANNERY:

22 Q And did she tell you anything about whether he carried a
23 firearm or was in possession of a firearm?

24 A Yes. During one of the meetings she indicated that he had a
25 small-caliber handgun and she had taken a photo of it with her

1 phone and showed it to me.

2 Q Now, did you learn from your various conversations with her
3 whether she lived with the defendant?

4 A Yes.

5 Q And where was that?

6 A 683 State Street off the top of my head.

7 THE COURT: I'm sorry. What was that?

8 THE WITNESS: 683 State Street.

9 BY MR. FLANNERY:

10 Q And in Springfield, I take it?

11 A Yes.

12 Q And based on at least some of these conversations and prior
13 to December 9, 2011, did you run a background check on the
14 defendant, and by that I mean a criminal record check?

15 A Yes.

16 Q And did you run a state record check?

17 A I ran a Springfield records checks, a state records check,
18 and an Interstate Identification Index check which provides
19 information on out-of-state arrests or probation.

20 Q And from those record checks, did you learn anything that
21 would have related to the defendant's ability to carry a handgun
22 lawfully?

23 A Yes, I did.

24 Q And can you tell us what that was?

25 A He had a previous conviction for trafficking in narcotics in

1 Massachusetts and a previous conviction for carrying a weapon in
2 New York, unlicensed weapon.

3 Q And at the time what did that tell you about his ability to
4 obtain a license to carry or possess a firearm?

5 A He would be unable to have a firearm in Massachusetts.

6 Q Now, getting back to the evening of December 9, 2011, at
7 about -- approximately about what time did Ms. Stewart contact
8 you?

9 A Approximately seven o'clock, if I remember correctly.

10 Q And where were you at the time?

11 A I was just leaving my mother's house.

12 Q Were you on duty?

13 A No. I was off duty.

14 Q And were you in a vehicle? How were you leaving your
15 mother's house?

16 A I was leaving in -- I have an assigned vehicle that's a
17 take-home vehicle.

18 Q And how did she contact you?

19 A Through -- by phone.

20 Q Is that a cell phone I take it?

21 A Yes.

22 Q And what did she tell you?

23 A She indicated -- she told me that there was going to be a
24 drug deal possibly going down in the parking lot of the Getty
25 station involving the white Cherokee and Mr. Abdul-Alim.

1 Q And did she tell you how she knew that?

2 A She had overheard the conversation.

3 Q Conversation between whom? Did she tell you that?

4 A The defendant and the person --

5 MR. ROBINSON: Objection.

6 THE COURT: Basis?

7 MR. ROBINSON: We're now getting into multiple levels of
8 hearsay, your Honor. Just I'd suggest it's not reliable. Again,
9 they had the witness on the stand and now they're trying to go
10 for not what Ms. Siham said, but --

11 THE COURT: The issue is probable cause and it's not
12 multiple levels of hearsay because it's one level, it's what the
13 witness, Ms. Stewart, told this gentleman and what she overheard
14 other individuals saying. It's not being offered for the truth
15 of what she overheard. Okay? So the objection is overruled.

16 BY MR. FLANNERY:

17 Q I don't know if you finished the --

18 A Yeah. She said that she believed there was going to be a
19 drug deal involving the individual she previous told me about in
20 the white Cherokee and Mr. Abdul-Alim.

21 Q And just to clarify, that was based on a conversation she
22 told you she had just overheard?

23 A Yes.

24 Q And did she tell you who that conversation was between? You
25 may have already answered this, but --

1 A I didn't really get into it. I -- I couldn't tell you.

2 Q Did she tell you whether the defendant was on one end of
3 that conversation?

4 A Yes. I'm assuming so.

5 Q Okay. So what else did she tell you at that point when she
6 called you as you were driving from your mother's house?

7 A That the transaction was going to take place in the parking
8 lot of the Getty Mart.

9 Q And did you know which Getty Mart she was referring to?

10 A On State Street.

11 Q And where is that in relation to --

12 A It's the business --

13 Q -- her home?

14 A -- business directly next to the apartment block which 683
15 is housed.

16 Q Okay. And did she tell you or did she provide you any
17 information with respect to a firearm at that point?

18 A Not at that point, no.

19 Q Okay. So based on this initial conversation with Ms.
20 Stewart, what did you do?

21 A I proceeded to the area of State Street, which is
22 approximately two miles, two and a half miles from the location
23 when I first received the phone call, and I then contacted radio
24 dispatch and spoke with the dispatch operator.

25 Q Okay. So -- and that was while you were driving to this

1 location?

2 A That's correct.

3 Q And what was the purpose of contacting dispatch?

4 A I wanted to obtain the information of the driver of the
5 white Cherokee after I observed any particular transactions that
6 might have occurred to validate some of the information that was
7 being provided by Ms. Stewart.

8 Q Okay. Was it your intent at that point to stop or arrest
9 anybody inside that white vehicle?

10 A No, not until after I had made some observations and
11 determined whether the individual needed to be identified for the
12 investigation.

13 Q Okay. So tell us what happened after you contacted
14 dispatch?

15 A I had the dispatch put out a silent dispatch to the
16 vehicles that were responding to the area explaining that we were
17 looking for a vehicle, a white Cherokee, in that area and that
18 I'd be in contact with them over the radio I believe on a
19 specific channel.

20 Q Okay. And did you contact -- did you make any other contact
21 with the station or dispatch as you were heading towards that
22 location?

23 A At that point I don't believe so.

24 Q Okay. And about how long did it take you to reach that
25 area, at least?

1 A Maybe four minutes.

2 Q And can you tell us what you did when you arrived at the
3 area?

4 A Upon arriving at the area, I contacted the cruiser that was
5 dispatched to the area, explained to him on Channel 8, I believe,
6 that I wanted to identify the operator of the vehicle that might
7 be in the area and that I wanted him to take it away from the
8 Getty station. In other words, don't effect a stop until I --
9 the vehicle was away from the gas station.

10 Q Okay. So when you contacted dispatch, they sent some other
11 officers to the scene?

12 A That's correct.

13 Q And at some point after you contacted dispatch, did you
14 start to communicate with those other officers?

15 A Yes.

16 Q Which officers are we referring to?

17 A Officer Berrios and Officer Sowers.

18 Q And were they in the same cruiser?

19 A Yes.

20 Q And how did you communicate with those officers?

21 A On the radio.

22 Q Okay. So you had your cell phone, but you were also
23 communicating with the officers by way of radio?

24 A That's correct.

25 THE COURT: I'm sorry. If I may interrupt just for a

1 moment.

2 THE WITNESS: Yes, sir.

3 THE COURT: I understood Officer Berrios. What was the name
4 of the other officer?

5 THE WITNESS: Officer Sowers.

6 THE COURT: Sowers?

7 THE WITNESS: Yes.

8 THE COURT: Thank you.

9 BY MR. FLANNERY:

10 Q Is that S-o-w-e-r-s?

11 A I believe so, yes.

12 Q Now, can you tell us what happened -- well, what did you say
13 to these other officers? Did you inform them as to what you
14 wanted them to do?

15 A Yes. I wanted them to identify the operator of the Cherokee
16 after -- to take it away from the -- don't stop it in the Getty
17 parking lot, to take it away from the Getty parking lot. I also
18 played the area myself to see if we could locate the vehicle.

19 Q You did what to the area?

20 A I traveled the area myself also looking for the vehicle.

21 Q Okay. And did you find this vehicle at some point?

22 A It was eventually found by Officer Berrios and Officer
23 Sowers.

24 Q Where did they locate it?

25 A After going around the block once, they located in the Getty

1 station.

2 Q Okay. And did you travel to the Getty station at that
3 point?

4 A No.

5 Q Where did you go?

6 A I -- after rounding the corner, I circled the block once,
7 and as I passed, I realized that they had -- they were behind
8 the -- first I located the Cherokee. I seen it in the right-hand
9 side, and I went further down the street and turned around, and
10 when I turned around, I noticed Officer Berrios and Sowers had
11 the vehicle -- they were behind it. So now I'm traveling west on
12 State Street when they're at the vehicle, and I pull into what
13 would be the area of the old Jim Dandy -- or A&W Root Beer, and
14 the chicken place, and I can't -- Kentucky Fried Chicken.

15 Q Okay. And that's across the street?

16 A Yes.

17 Q And a little farther down?

18 A Yeah.

19 Q About how far away are you at that point?

20 A Sixty yards, maybe. I'm not quite sure. Half a block.

21 Q And at that point you're just watching what's happening
22 across the street?

23 A Yeah. They're approaching the operator of the Cherokee.

24 Q Now, the operator of the Cherokee -- or, I should say, the
25 Cherokee was parked at that point?

1 A Yes.

2 Q And was that what you had in mind?

3 A No.

4 Q Were you able to communicate that to them?

5 A Well, at this point it was -- what I planned to do was going
6 to be disrupted because they sort of interrupted any interaction
7 that I was going to be able to observe. At this point I was
8 going to be satisfied with just getting the operator's
9 information.

10 Q I see. So were they already parked and out of their cruiser
11 approaching this --

12 A I believe -- yeah, I believe they were already out when I
13 finally made -- when I stopped.

14 Q Now, so at that point you're just watching Officer Sowers
15 and Officer Berrios --

16 A Yes.

17 Q -- approach the operator of this white Jeep?

18 A Yeah. And at this point I really don't have a good view.
19 The cruiser's behind them. There's lights and shadows, so I
20 don't have a good view of what's going on to the right of the
21 vehicle where they were.

22 Q Okay. And what happens next?

23 A I receive a phone call.

24 Q From whom?

25 A Siham Stewart.

1 Q And, again, your cell phone?

2 A Yes.

3 Q And what does she tell you at that point?

4 A She tells me that Mr. Abdul-Alim is coming down the stairs
5 and he's got the gun on him.

6 Q And is she more specific than that?

7 A At this point, no.

8 Q Okay. Does she tell you how she knows that he has a gun on
9 him?

10 A No.

11 Q Okay. And this is a gun that she's mentioned before?

12 A She said, "He's got the gun." I'm assuming it's the
13 small-caliber handgun.

14 Q Okay. Did you know where she was when she was calling you?

15 A I'm assuming in the apartment, but I don't know for sure.

16 Q Okay. So what do you do after you get that call?

17 A I ask her, "What's he wearing?"

18 Q And what does she tell you?

19 A She said he had a red vest on.

20 Q And did you see somebody fitting that description walking
21 out of the building?

22 A Yes.

23 Q And at that point did you know what the defendant looked
24 like?

25 A Yes. At that point I recognized him.

1 Q Were you able to see this person clearly enough to identify
2 him?

3 A Yes.

4 Q And was it the defendant?

5 A Yes.

6 Q And in addition to recognizing the defendant, you saw that
7 he was wearing the article of clothing that --

8 A Yes.

9 Q -- Ms. Stewart had just described?

10 A Correct.

11 Q And she also had just told you that he was coming out of the
12 building?

13 A Yes.

14 Q So after you see him or after you speak to Ms. Stewart and
15 you see the defendant coming out of the building, what do you do?

16 A I advised Officer Berrios and Sowers on the radio to stop
17 the individual coming out of the building, he's got a gun on him.
18 And at that point I can see him walking towards them and on the
19 radio I said, "That's him right there. Grab him." So --

20 Q Okay. Now, why did you do that?

21 A It was apparent to me where he was and he was walking right
22 towards them, and he's heading directly towards the officers at
23 the scene, which is officer safety. It would be negligent to
24 have somebody with a firearm that's a known felon walking towards
25 officers.

1 Q Okay. Was he also walking towards this white Jeep?

2 A Yes.

3 Q In the direction of?

4 A Yes.

5 Q On the same side of the street on the sidewalk?

6 A Yes.

7 Q Okay. And that's -- and the white Jeep at that point was
8 where the two officers were. Were they speaking to the operator?

9 A At this point I really couldn't see what --

10 Q Okay.

11 A -- was going on in that area.

12 Q But you believed that they were -- but could you --

13 A Interacting with him.

14 Q Okay. And so you told Officer Sowers and Officer Sheehan --
15 I mean Officer Berrios at that point to grab or to stop --

16 A Yeah.

17 Q -- the defendant?

18 A Yes.

19 Q And you informed them that he had a gun?

20 A Yes.

21 Q Now, what happened next?

22 A I attempted to contact the officers again by radio to see if
23 they found the weapon. There was some radio difficulty giving
24 the transmission out. So after a minute -- excuse me -- or so, I
25 finally contacted the officers and asked them if they found the

1 weapon.

2 Q And how long, approximately, did it take you to reach them
3 via radio?

4 A A minute or two. I'm -- that's -- I'm not quite sure.

5 Q Could you see what was going on in the meantime?

6 A No.

7 Q And when you ultimately reached them, what did they tell
8 you?

9 A I asked them, "Did you find the weapon?"

10 And they said, "No."

11 Q Okay. And what did you do at that point?

12 A I was on the phone with Ms. Stewart at the time,
13 simultaneously, and I asked her, "Did he have the gun on him?"

14 She said, "Yes."

15 Q Okay. So you were actually on the phone with her?

16 A Yes.

17 Q Had you called her or had she called you?

18 A I don't recall.

19 Q All right. So you had the radio in one hand and the cell
20 phone in the other?

21 A Yes.

22 Q At that point did she give you more specific information
23 about where the gun was?

24 A Yes. It's in his underwear.

25 Q All right. And did you relay that --

1 A Yes.

2 Q -- to Officers Sowers and Berrios?

3 A Yes.

4 Q Now, at that point where are you?

5 A I'm still across the street.

6 Q Okay. And at some point do you make your way closer to the
7 scene of this stop?

8 A Yeah. After verifying that they located the weapon on Mr.
9 Abdul-Alim, I proceeded to go and park my undercover vehicle
10 around the corner from the State Street 683 block and walked over
11 to the scene.

12 Q And did you know at that point who had located the weapon,
13 which one of the officers?

14 A At that point, no.

15 Q All right. Now, I want to just ask you a few questions
16 about the area of this -- or the scene of this stop. Are you
17 familiar as a police officer with this area?

18 A Yes.

19 Q And prior to December 9, 2011, not going too far back, were
20 you aware of any other kinds of arrests or criminal activity in
21 that area?

22 A Yes. It's an area known for narcotics and prostitution
23 activity.

24 Q And how do you know that or how did you know that back
25 then?

1 A I had a tendency where I would work the Walgreens
2 convenience store that was located at the corner, so it was
3 activity that I observed while working that, and through reports
4 that were read during our morning briefing, and there was a
5 homicide that had recently occurred there, approximately a month
6 before, that I was also aware of.

7 Q Okay. And, again, without asking you to -- if you can
8 recall the specifics, within the month or so prior to this stop,
9 had you received specific information about actual arrests?

10 A I can't recall any besides the arrest of the defendant for
11 the homicide.

12 Q Okay. So there was a homicide, but you said that -- I think
13 you made reference to drug activity. Can you tell us how that
14 information came to you?

15 A Just through observations, reading reports during the
16 morning debriefing, arrest reports and stuff that we do.

17 Q Okay. And did that factor into your decision to have the
18 officers stop the defendant?

19 A Yes.

20 MR. ROBINSON: Objection.

21 A It is a high-crime area.

22 THE COURT: Basis?

23 MR. ROBINSON: It was leading, your Honor. He's basically
24 suggesting another basis for the officer to -- reasons for the
25 officer to request --

1 THE COURT: All right.

2 MR. ROBINSON: -- the stop of my client.

3 THE COURT: I'm going to overrule the objection. It was
4 somewhat leading, but it's technically not a leading question.
5 All right.

6 BY MR. FLANNERY:

7 Q Now, at some point did you speak to the officer who actually
8 found the gun on the defendant?

9 A Yes.

10 Q And which officer was that?

11 A Officer Berrios.

12 Q And did he show you the weapon?

13 A At the scene, yeah.

14 Q Okay. And do you know whether -- what kind of weapon it
15 was?

16 A I believe it was a .25-caliber pistol.

17 Q Was it -- do you know if it was loaded?

18 A It was -- had ammunition in the magazine, but none in the
19 chamber.

20 Q All right. And is that the weapon that's the basis for the
21 charges against the defendant?

22 A Yes.

23 MR. FLANNERY: I have nothing further of this witness.

24 THE COURT: All right. Cross.

25 MR. ROBINSON: Thank you, your Honor.

CROSS-EXAMINATION

1

2 BY MR. ROBINSON:

3 Q Good afternoon.

4 A Good afternoon.

5 Q You had mentioned that you had received a call from Siham
6 Stewart and that had essentially initiated this investigation.

7 Would that be fair to say?

8 A She was speaking with Officer Zarelli. Actually, she spoke
9 with Lieutenant Cook prior to Sergeant Zarelli.10 THE COURT: I'm sorry. I heard she spoke to Lieutenant Cook
11 prior to?

12 THE WITNESS: Sergeant Zarelli.

13 THE COURT: Parelli. Okay.

14 THE WITNESS: Zarelli.

15 THE COURT: Zarelli.

16 BY MR. ROBINSON:

17 Q So -- but drawing your attention to December 9, 2011 --

18 A Yes.

19 Q -- in terms of your investigation that day --

20 A Yes.

21 Q -- that was initiated by her phone call to you, is that
22 correct?

23 A That's correct.

24 Q Okay. And you had information that a white Jeep was going
25 to be in the area of 683 State Street, is that correct?

1 A That's correct.

2 Q Okay. And you testified that you then went to look in the
3 area for that vehicle?

4 A Yes.

5 Q Okay. But you knew that that vehicle was going to be, or at
6 least according to the information you had, was going to be in
7 the area of 683 State Street?

8 A In particular, the Getty Mart.

9 Q Okay. And the information that you had was that Ayyub was
10 going to be involved in some type of narcotics transaction, is
11 that correct?

12 A That's correct.

13 Q Okay. And no narcotics were recovered in this --

14 A That's correct.

15 Q -- on December 9th, is that correct?

16 A That's correct.

17 Q Okay. And the driver of the white Jeep, that person was
18 identified, was he not?

19 A Yes.

20 Q Okay. And that gentleman was identified as a Mr. Abdul
21 Latif Tangreti (phonetic)?

22 A That's correct.

23 Q Okay. And his vehicle was searched, was it not?

24 A No, it was not.

25 Q So did the police conduct an interview with Mr. Tangreti

1 (phonetic)?

2 A Yes. They obtained his identity.

3 THE COURT: I'm sorry. He what?

4 THE WITNESS: I believe they obtained his identification.

5 BY MR. ROBINSON:

6 Q And they simply did an I.D. check and nothing more?

7 A At that point, yes.

8 Q Was Mr. Tangreti (phonetic) detained for a period of time?

9 A I believe while they were checking him for warrants.

10 Q Okay. And there were no warrants on Mr. Tangreti

11 (phonetic)?

12 A No.

13 Q While Officers Sowers and Berrios were performing their I.D.

14 check on Mr. Tangreti (phonetic), you testified that Mr.

15 Abdul-Alim approached the area, is that correct?

16 A Yes.

17 Q Okay. And he was coming out of the apartment building at

18 683 State Street?

19 A Yes.

20 Q And he was heading west down State Street towards where the

21 police officers were, is that correct?

22 A Yes. It's a short distance, no more than 20 feet, 20 yards.

23 Q And as he proceeded down State Street, he was on the

24 sidewalk, isn't that correct?

25 A That's correct.

1 Q And the officers, they were in the parking area of the Getty
2 Mart, is that correct?

3 A Parked right along the fence line that abuts 683 block with
4 the Getty station.

5 Q Okay. And you said that you had had contact with Officers
6 Sowers and Berrios by radio, is that correct?

7 A That's correct.

8 Q Okay. And they indicated to you by radio at some point that
9 they had not found any weapon, is that correct?

10 A That's correct.

11 Q Okay. And at some point after they indicated that to you,
12 you were in communication with Ms. Siham Stewart, is that
13 correct?

14 A Yes.

15 Q And it was after that you spoke to Ms. Stewart after she
16 called you that you then radioed back to Officers Sowers and
17 Berrios, isn't that correct?

18 A Either she had called me or I called her. I'm not sure how
19 we got in touch with the other -- each other, but she was on the
20 phone.

21 Q Okay. And so after you had communication with her --
22 actually had had a conversation with Ms. Stewart, you then
23 radioed over to Officers Berrios and Sowers?

24 A Yes.

25 Q And you directed them to search Mr. Abdul-Alim again?

1 A I believe the words were, "Check his underwear."

2 Q Now, when you testified here today with respect to what you
3 knew about Mr. Abdul-Alim, you indicated that it was your
4 understanding from the informant that he was going to be involved
5 in a drug transaction, is that correct?

6 A Yes.

7 Q Okay. But you wrote a police report with respect to this
8 case, did you not?

9 A Yes, I did.

10 Q Okay. And that was written on the day of this arrest, is
11 that correct?

12 A Yes.

13 Q And that would be December 9, 2011?

14 A That's correct.

15 Q And that was hours after the arrest occurred?

16 A Yeah.

17 Q Okay. But in your police report nowhere do you indicate
18 that Mr. Abdul-Alim was the subject of a narcotics investigation,
19 is that correct?

20 A I don't believe so.

21 Q Meaning you believe that it's not in there?

22 A I don't believe it's in there, no.

23 Q Okay. And you also testified at a -- to a grand jury with
24 respect to this matter, did you not?

25 A Yes.

1 Q Okay. And when you testified before the grand jury, you
2 also didn't indicate to them that Mr. Abdul-Alim was suspected of
3 engaging in narcotics activity?

4 A That's correct.

5 Q Okay. Now, you were receiving information from Ms. Stewart,
6 is that correct?

7 A Yes.

8 Q And that was prior to the arrest on December 9th?

9 A Yes.

10 Q Okay. And, in fact, you were receiving information from her
11 after the arrest, too, is that correct?

12 A Yes.

13 Q With respect to Mr. Abdul-Alim?

14 A Not regarding that incident, but yes.

15 Q Okay. And later Ms. Stewart received payments from you, is
16 that correct?

17 A Correct.

18 Q And how many payments did she receive from you?

19 A Approximately five or six.

20 Q And what were the approximate amounts of each payment?

21 A I couldn't break it down. I know there were some for
22 several thousand dollars, some for hundreds. I believe that
23 information's been provided to you.

24 Q And when you say the information's been provided to me --

25 MR. ROBINSON: May I approach, your Honor?

1 THE COURT: You may.

2 BY MR. ROBINSON:

3 Q Is this the information you're referring to? Is this the
4 document that you're referring to?

5 A Yes.

6 Q Okay. And does that -- well, do you have an idea of the
7 total amount that Ms. Stewart received from law enforcement?

8 A Eleven thousand nine hundred and forty-nine.

9 MR. ROBINSON: May I approach, your Honor?

10 THE COURT: Yes.

11 I'm sorry. What was the amount again, eleven thousand --

12 THE WITNESS: Thousand four hundred and ninety-nine.

13 THE COURT: Four hundred and forty-nine?

14 BY MR. ROBINSON:

15 Q And when those sums of money were paid to Ms. Stewart, you
16 provided those -- you met her in person, is that correct?

17 A Sometimes yes; sometimes no.

18 Q And those sums of money were provided in cash, is that
19 correct?

20 A Yes.

21 Q And did Ms. Stewart sign receipts for --

22 A Yes.

23 Q -- taking those monies?

24 A Yes.

25 Q Okay. And do you recall the location of where you met her

1 and provided her with money?

2 A I wasn't there present for all of them, but there are some
3 locations I do remember, yes.

4 Q Okay. Let's say the first time that you provided her with
5 monies, do you recall the location?

6 MR. FLANNERY: Your Honor, I'm going to object. I'm not
7 sure what the relevance is to where these payments were made. I
8 don't know if that involves information that --

9 THE COURT: All right. I'm not sure what the relevance is,
10 either, but why don't you make an offer of proof. Tell me why
11 it's significant as to where she received the payments.

12 MR. ROBINSON: Well, your Honor, we've had witnesses testify
13 about different amounts and different numbers of payments.

14 THE COURT: We've only had one prior witness and she did
15 testify as to amounts and so forth.

16 MR. ROBINSON: Right.

17 THE COURT: The question is why is the location where she
18 received the payment relevant?

19 MR. ROBINSON: Well, because we've had a witness testify to
20 that effect and I want to see what this witness has to say about
21 the location.

22 THE COURT: She didn't recall the location.

23 MR. ROBINSON: She did give some descriptive information
24 about the location.

25 THE COURT: All right. So I understand -- so your argument

1 to me that it's relevant is because you want to find it out.

2 MR. ROBINSON: No.

3 THE COURT: That's not an argument for relevance. Tell me
4 why it's relevant.

5 MR. ROBINSON: It's relevant, your Honor, because it goes to
6 the credibility of both witnesses.

7 THE COURT: Well, I don't see it going to the credibility of
8 this witness. And I don't know that it goes to the credibility
9 of Ms. Stewart.

10 Is there some concern about confidentiality of the location,
11 Attorney Flannery, or are you uncertain of that?

12 MR. FLANNERY: I'm uncertain of it, your Honor, but there
13 may be, and if it's not at all relevant, and I would argue that
14 it's not, then I would ask --

15 THE COURT: It's marginally relevant. I don't want to
16 belabor the point.

17 What I'm going to do is I'm going to sustain the objection.
18 I don't see that it's material, in any event, but if you want to
19 ask questions about who was present, which I think was an issue
20 you explored with Ms. Stewart, I'll let you do that. All right?

21 MR. ROBINSON: Thank you, your Honor.

22 BY MR. ROBINSON:

23 Q You had indicated that there were five to six payments to
24 Ms. Stewart?

25 A Yes.

1 Q And you were present during some of those payments, is that
2 correct?

3 A That's correct.

4 Q And you were not present during others?

5 A That's correct.

6 Q Are you aware of the identity of the individuals who
7 provided her with payments when you were not present?

8 A No.

9 Q Are you aware of whether or not those individuals were
10 federal law enforcement or local law enforcement?

11 A Yes.

12 Q And were they local law enforcement or were they federal law
13 enforcement?

14 A Both.

15 Q Okay. So Ms. Stewart received payments from federal law
16 enforcement, is that correct?

17 A That's correct.

18 Q And did Ms. Stewart ever receive payments from federal law
19 enforcement in your presence?

20 A Yes.

21 Q And who were the federal law enforcement officers who were
22 present and provided monies to her?

23 MR. FLANNERY: Objection, your Honor. I don't see the
24 relevance of the identity of these other federal law enforcement
25 officers, at least with respect to this motion to suppress. I